City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

June 14, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Appeal to City Council—Certificate of Appropriateness at 534 Pembroke Avenue**

Reviewed: _____ **Ward/Superward: 2/6**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number:** **R-3**
Marcus D. Jones, City Manager

I. **Staff Recommendation:** **Denial.**

II. **Architectural Review Board Action:** By a vote of **6 to 0**, the Architectural Review Board recommends **Denial.**

III. **Request:** Replacement of an original slate roof with composite slate that does not match the slate width of the original.
   a. The Architectural Review Board approved an application to replace the slate with composite slate provided that it matched the 10" width of the original slate shingle.
   b. The applicant replaced much of the roof using a 12" wide synthetic slate shingle and then applied to the Architectural Review Board to use the wider width shingle

IV. **Applicant:** **Mr. & Mrs. Richard Ottinger**

V. **Description:**
   - The home is located in the locally designated Ghent Historic District
   - This is a shingle style home
   - Built in 1911
   - This is a contributing structure to the Ghent Historic District

Staff point of contact: Susan M. McBride at 823-1451, susan.mcbride@norfolk.gov

Attachments:
- Information packet for City Council (including cover memo explaining the nature of the appeal and documents presented to the ARB).
- Ordinance granting the appeal (approving the COA).
- Ordinance denying the appeal (denying the COA).
- Statement of Appeal Process—to be read by the Mayor upon taking up consideration of the item.
- Proponents and Opponents

Proponents and Opponents

Proponents
None

Opponents
Ghent Neighborhood League

Henry Conde
300 Colonial Avenue
Norfolk, VA 23507

Statement of Procedures for Appeal
from the Architectural Review Board
Regarding a Certificate of Appropriateness

This item is an appeal of a decision of the Architectural Review Board regarding an application for a certificate of appropriateness. Our procedure for this item will be as follows.

The City will present a summary of the application and the proceedings before the ARB.

Next, the person noting the appeal will present his or her case. Several people may participate but the entire presentation shall last no longer than 15 minutes.

Each member of the public who signed up to speak on this item will then be individually called and may comment on the question of whether or not the appeal should be approved. Each speaker's comments will be limited to 3 minutes.

Following all comments by the public, the applicant will be given an opportunity to provide any rebuttal, limited to 3 minutes.

Following rebuttal and any discussion or questions by Councilmembers, a vote will be taken as to whether the appeal should be approved.

03/01/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO GRANT A CERTIFICATE OF APPROPRIATENESS FOR REPLACEMENT OF THE ROOF ON A RESIDENTIAL PROPERTY AT 534 PEMBROKE AVENUE AND LOCATED IN A HISTORIC DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a certificate of appropriateness is hereby granted so as to permit the replacement of an existing, slate roof with a different, composite material on the residential property located at 534 Pembroke Avenue and located in the HC-G1 (Ghent Historic and Cultural Conservation) District.

Section 2:- The composite material and installation shall conform in size, shape, color, design, location, pattern, and all other respects to the plans included in the application for this certificate of appropriateness.

Section 3:- That the City Council hereby finds that the certificate of appropriateness granted herein complies with the provisions of § 9-3.5(a) of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposal is appropriate to the character, appearance and efficient functioning of the district and does not adversely affect the primary character of the district.

(b) The proposal is generally consistent with any applicable design guidelines adopted by the city's Architectural Review Board and in effect for the applicable district or historic overlay district.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

03/02/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO DENY A CERTIFICATE OF APPROPRIATENESS FOR REPLACEMENT OF THE ROOF ON A RESIDENTIAL PROPERTY AT 534 PEMBROKE AVENUE AND LOCATED IN A HISTORIC DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a certificate of appropriateness to permit the replacement of an existing, slate roof with a different, composite material on the residential property located at 534 Pembroke Avenue and located in the HC-G1 (Ghent Historic and Cultural Conservation) District in the manner requested by the applicant is hereby denied.

Section 2:- That the City Council hereby finds that the application seeking a certificate of appropriateness does not comply with the provisions of § 9-3.5(a) of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) because it fails to satisfy one or more of the following standards:

(a) The proposal is appropriate to the character, appearance and efficient functioning of the district and does not adversely affect the primary character of the district.

(b) The proposal is generally consistent with any applicable design guidelines adopted by the city's Architectural Review Board and in effect for the applicable district or historic overlay district.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

NORFOLK

Inter Department Correspondence

TO: Members of the City Council

FROM: Adam Melita, Deputy City Attorney

COPIES TO: Bernard Pishko, City Attorney; Breck Daughtrey, City Clerk; George Homewood, Director of City Planning

SUBJECT: Certificate of Appropriateness at 534 Pembroke Avenue

June 10, 2016

The attached documentation chronicles the consideration of an application for a certificate of appropriateness (COA) for the replacement of a roof at the residence located at 534 Pembroke Avenue and is provided to you as background related to the appeal scheduled to appear on an upcoming docket of the City Council.

A COA is required because the property is located in the Ghent Historic and Cultural Conservation district. ZONING ORDINANCE § 9-3.1. An application for a COA is reviewed by the Architectural Review Board (ARB), which decides on whether to approve or deny it. ZONING ORDINANCE § 9-3.5(a). Anyone who owns property in the historic district where this application arises has the right to appeal the decision to the City Council. ZONING ORDINANCE § 9-3.5(c)(1).

The current application proposes replacing a slate roof suffering some deterioration with a synthetic, composite product having an appearance similar to slate. The application appeared three times before the ARB before a final decision was reached. The proceedings at each meeting are summarized as follows:

- On November 10, 2014, the applicant requested approval for replacement of the roof with a slate-like composite. He stated that several leaks in the roof necessitated this remediation and efforts to

repair the roof had not worked. Noting that the existing, real slate shingles on the building were 10" wide, the ARB approved the application with a condition that the synthetic replacement shingles also be 10" wide. Despite this conditional approval, no COA was subsequently issued because the applicant did not verify that he would be using shingles with the 10" profile required.

- Nine months later, on August 24, 2015, the applicant returned to the ARB and requested approval of a synthetic slate replacement roof using 12" wide shingles. The month before, the applicant had started replacing the roof with synthetic slate shingles that were 12" wide, despite the fact that no COA had been issued and that the shingles failed to comply with the 10" width requirement in the ARB's November, 2014 approval. Most of the roof was replaced. After the presentation of the request to use the 12" shingle to the ARB, the Board discussed it and voted to continue the matter to allow the applicant to pursue options other than replacing the remainder of the roof with the 12" wide synthetic shingles.

- On December 7, 2015, the applicant returned to the ARB to again request approval of replacing the old roof with 12" wide synthetic slate shingles. The ARB denied the application on the grounds that the proposed new product did not replicate the original materials with respect to size and color.

This appeal was timely filed on December 18, 2015. On appeal, the applicant asks that the COA be approved to allow the full roof replacement with the 12" synthetic, composite tiles.

The City Council can only approve the application if it finds that:

(1) The proposal is appropriate to the character, appearance and efficient functioning of the district and does not adversely affect the primary character of the historic district.

(2) The proposal is generally consistent with any applicable design guidelines adopted by the ARB and in effect for the applicable historic district or historic overlay district.

Copies of the documents related to this application and appeal are attached and labeled as follows:

- Exhibit A – Application for Certificate of Appropriateness, filed by Richard Ottinger on October 21, 2014, plus specification sheets (submitted later) for "DaVinci" synthetic, composite slate product. (11 pages)
- Exhibit B – Staff report presented to ARB for November 10, 2014 meeting. (6 pages)
- Exhibit C – Minutes from November 10, 2014 ARB meeting related to 534 Pembroke Avenue. (2 pages)
- Exhibit D – Staff report presented to ARB for August 24, 2015 meeting. (6 pages)
- Exhibit E – Minutes from August 24, 2015 ARB meeting related to 534 Pembroke Avenue. (2 pages)
- Exhibit F – Staff report presented to ARB for December 7, 2015 meeting, plus exhibits and photos showing ridges and valleys submitted by applicant. (8 pages)
- Exhibit G – Minutes from December 7, 2015 ARB meeting related to 534 Pembroke Avenue. (3 pages)
- Exhibit H – Letter from the Department of City Planning to Richard Ottinger, dated December 7, 2015, noting denial of COA application. (1 page)
- Exhibit I – Letter from Richard Ottinger to City Clerk, dated December 18, 2015, noting appeal of COA denial. (1 page)

Adam D. Melita
Deputy City Attorney

Attachments

Exhibit A

N O R F O L K

APPLICATION FOR DESIGN REVIEW

Please return to:

Department of Planning and Community Development
508 City Hall Building
Norfolk, Virginia 23510
PHONE: (757) 823-1451 FAX: (757) 441-1569
EMAIL: susannah.winstead@norfolk.gov

ARB #14-108

Please review the Norfolk Design Review Process prior to application.
It is required to consult with the Historic Preservation Officer prior to submission.
Please submit 16 copies of the application form and all supplemental materials.

Incomplete applications will not be accepted and put on an agenda.

I. APPLICATION INFORMATION

DATE RECEIVED 10/21/14

Project Name:

Project Address: 534 Pembroke Ave., Norfolk, VA 23507

Brief Project Description:

Replace badly delaminating Vermont Green slate roof with similar look DaVinci composite slate in Evergreen color mix. Having researched for months, the DaVinci product appears to be the best solution in terms of durability, look, weight and cost. Although Vermont Green slate has a consistent and good look when new, over time it becomes quite discolored. I understand that the composite slate manufacturers have significantly improved prior issues of fading.

Please check as applicable:

☐ Public Project ☑ Private Project ☐ Encroachment

☑ Single-Family or Duplex ☐ Multi-family or Commercial ☐ Institution or Public Facility

Type of Review:

☐ Discussion Review ☐ Preliminary Review ☑ Final Review

Certificate of Appropriateness:

☐ Downtown ☑ Ghent ☐ East Freemason ☐ West Freemason

II. APPLICANT INFORMATION

Applicant Name: Richard and Lisa Ottinger

Applicant Address: 534 Pembroke Ave., Norfolk, VA 23507

Phone: 757-446-8673 Fax: 757-446-8670 E-mail: rottinger@vanblk.com

Property Owner Name (if different):

Property Owner Address:

Phone: Fax: E-mail:

III. APPLICATION CHECKLIST

Scope of Project:

- ☐ New Construction
- ☐ Exterior Renovation/ Alteration
- ☐ Demolition
- ☐ Addition
- ☐ Signage
- ☐ Fencing
- ☐ Driveway, Sidewalk, Parking
- ☐ Landscaping
- ☑ Re-roofing
- ☐ Other

Supplemental Information to include:

- ☐ Drawings and elevations drawn to scale with notes and specifications- floor plans to be included for new construction or if interior alterations affect exterior elevations
- ☑ List of materials if not designated on plans, or sample board as needed- including siding, roofing, trim, windows, doors, etc.
- ☐ Site plan drawn to scale showing landscaping, parking, lighting, fencing, etc. with notes and materials
- ☑ Photographs of subject property and surrounding area
- ☐ Photographs of building site for new construction
- ☐ Letter of permission from owner if applicant is not owner
- ☐ Any additional information as requested by staff or the Committee

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

Applicant Signature

10/20/14

Date

Low Maintenance & Easy Installation

Valoré Slate polymer roofing tiles make installation easy—saving materials and cutting down on installation costs. With little to no upkeep and backed by DaVinci's 50-year warranty, DaVinci slate tiles are the perfect fit for your home for generations to come.

A Safer & More Secure Roof

Valoré Slate has achieved the highest possible test ratings for fire, wind and impact giving you a more secure home for your family and has been approved and preferred by cities and subdivisions nationwide.

VALORÉ SLATE SPECIFICATION CHART					
Shingle Dimensions					
Widths	12"	Thickness at Butt	1/2"		
Length	18"	Thickness at Tip	1/8"		
HIP • RIDGE • STARTER					
	6" Hip & Ridge (for ridge vents only)	7" Hip & Ridge (standard)	12" Starter		
Pieces / Bundle	20	20	20		
Lineal Ft / Bundle	5*	5*	20		
Pieces / Lineal Ft	4*	4*	1		
* At recommended 6" exposure Note: 9" pieces available for ridge; 4" pieces available for turrets.					
FIELD SHINGLES PER ROOFING SQUARE					
Coursing	Roof Pitch	Max. Exposure	Bundles / Square	Shingles / Square	Weight / Square
Straight	6:12 or greater	7.5"	7.1	155	266 lbs
Staggered	6:12 or greater	7.0"	7.6	166	285 lbs
Straight or Staggered	Less than 6:12	6.0"	8.8	194	332 lbs
Note 1: All calculations are based on using the recommended 3/8" gap between shingles. Note 2: Straight coursing may be used at any exposure up to 7.5" and staggered coursing may be used at any exposure up to 7.0"					

PACKING AND SHIPPING INFORMATION		
	# Shingles	Weight
Per Bundle*	22	37 lbs
Per Pallet**	1,056	1,776 lbs
Per Truckload***	25,344	42,624 lbs
* All weights are approximate ** 48 bundles per pallet *** 24 pallets per truckload		

TESTING SUMMARY		
Type of Test	Standard	Results
Fire Test	ASTM E 108	Class A
Impact Test	UL 2218	Class 4
Wind Test	ASTM D 3161	Certified to 110MPH*
Building Code Approvals: ICC-ES ESR-2119, Miami Dade County, FL NOA No. 12-0503.01 and TDI		

* Go to www.davinciroofscapes.com for the most up-to-date technical information.

Toll Free: 800-328-4624 Phone: 913-599-0766 Fax: 913-599-0065

DaVinci Slate, Shake & Fancy Shake

Third Party Testing

Test	Objectives	Method	Results
Fire test ASTM E 108	Earn classification for fire.	Burning brand, Intermittent flame, Spread of Flame.	Passed Class A
UL 2218 Impact	Earn UL classification for impact.	Two-inch steel ball weighing 1.2 lbs is dropped from 20 feet on to an installation. Test is repeated. Both impacts must be within a 1/4."	Passed Class 4
ASTM D3161 same as UL 997 Wind Uplift	Earn certification for wind.	A roofing assembly is subjected to sustained winds at specified velocities for two hours. Test ran at 110 mph.	Passed test at standard 110 mph setting.
Accelerated Weathering ASTM 4798	Determine material performance in respect to brittleness, color-fade, curling/warping and coating adhesion.	4500 hours of exposure to UV radiation, elevated temperature, moisture, and thermal shock.	Nearly imperceptible color change. No appreciable change in tensile strength
Freeze-thaw ICC-ES Acceptance Criteria ACO7 section 4.9	Determine material performance in extreme temperature cycling.	Exposure to temperatures from -40 F to 180 F in 22 hour cycles for approximately a month.	There was no sign of crazing, cracking, or other deleterious surface changes.
ICC-ES AC07 Section 4.4	Penetration	Samples subjected to applied load in an Instron Machine	200 lbs. Passed
ASTM D 471 Water Absorption	Determine if material absorbs water to dis-count freeze-thaw issues.	Sample is put in water at 158 F for 166 hours and then weighed to find out if any water absorption has occurred.	Virtually no water absorption.
ASTM D 3462 Nail Pull Through Resistance at 32 F and 72 F	Identify nail tear resistance to determine if nails will pull through the shingle.	Shingle is nailed and stabilized at 73 F and then at 32 F. Force is applied until shingle is pulled past nail.	138 lbs/ft of force required at 73 F and 166.9 lbs/ft at 32 F.

DaVinci Slate, Shake & Fancy Shake

Third Party Testing

Test	Objectives	Method	Results
ASTM G21 Fungus (algae) test	Determine if algae wants to grow on DaVinci Slate	Our sample is inoculated with blue green algae and put in a warm, damp place along with a control sample for four to six weeks	The algae did not grow on our sample shingle
ASTM D 638 Tensile Strength	Determine effects of long-term weathering on material strength	Tensile strength of sample is measured before and after accelerated weathering. Weathering duration is 4500 hours	No meaningful reduction of strength. Post test results showed a 2.6% reduction in material strength from pre-test measurement.
TAS-100	Earn certification for wind driven rain. Pass or fail only.	A roofing assembly is subjected to increasing wind speeds along with an abundance of water blown at the system at speeds up to 110 mph.	Passed
UL 1897	Earn UL Certification for static uplift resistance.	A roofing assembly is subjected to differential air pressure until failure.	Passed
TAS-125	Earn certification for wind uplift resistance in High Velocity Hurricane Zones. Pass or fail only.	A roofing assembly is subjected to positive and negative pressure in cycles to measure wind uplift resistance.	DaVinci Slate passed at -118.5 psf. DaVinci Shake passed at -93.5 psf. DaVinci Fancy Shake passed at -131 psf.

Code Approvals

DaVinci Slate & Shake: ICC-ES ESR-2119
Florida Building Code
Slate: TDI RC-166 Shake: TDI RC-164
Slate: Miami Dade County, FL NOA No. 12-0503.01 Shake: Miami Dade County, FL NOA No. 13-0107.01
Go to www.davinciroofscapes.com for the most up-to-date technical information.

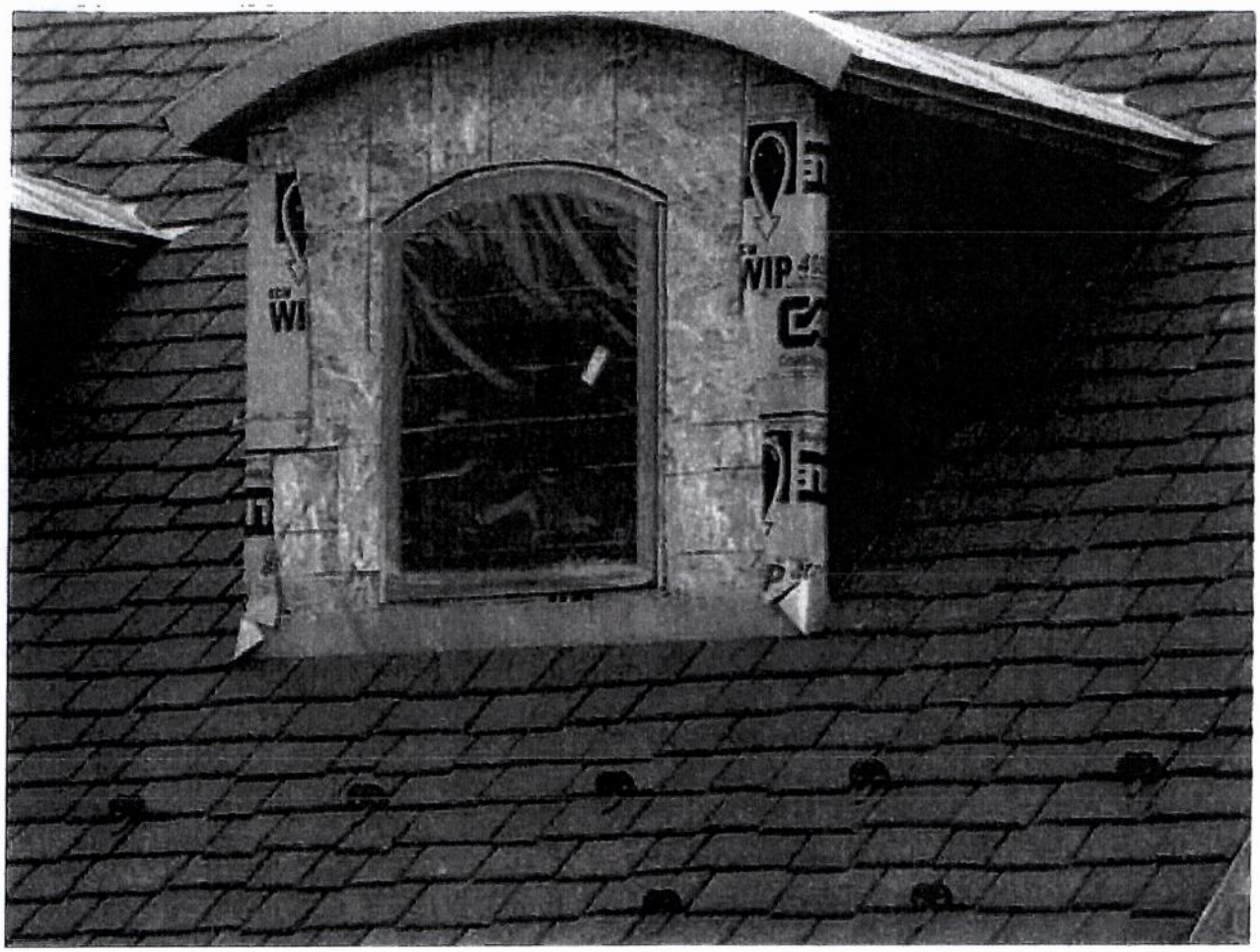


Exhibit B

City of NORFOLK

To: Norfolk Design Review Committee
City of Norfolk, Virginia

November 10, 2014

From: Susan M. McBride, Principal Planner

Subject: Certificate of appropriateness to replace the slate roof with composite slate

Ward/Superward: 2/6

Approved: Leonard M. Newcomb III
Leonard M. Newcomb III
Zoning Services Manager

Certificate of Appropriateness Staff Report

I. **Property Address**: 534 Pembroke Avenue

II. **Applicant Information:** #14-108
Owner: Mr. & Mrs. Ottinger
Applicant: Mr. & Mrs. Ottinger

III. **Historic District Information:**
Historic District: Ghent Historic District (HC-G1)
Date of Structure: 1908
Period of Significance: Late 19th to Early 20th Century
Contribution/noncontributing: Contributing
Architectural style of building: Shingle Style
Significant elements of building: This single-family, two-and a-half story, home with a pressed brick façade in a stretcher bond pattern on the first floor and shingle sheathing on the second and attic floors. The roof is hipped with a central gable dormer. There is a secondary porch across the front of the wing of the house towards the street that has a flat roof that is supported with paired smooth-shaft columns and turned balustrades. There is a two-story wing to the northeast.

IV. **Building Application:** The applicant would like to replace the original slate roof with a composite slate material.

V. **Project Description:** The present slate roof is Vermont Green Slate and is showing some signs of delamination but not effervescing. This type of slate typically lasts 200 years to indefinitely with proper maintenance. The general rule of thumb in the industry is if the roof

is showing less than 20-25% deterioration it should be repaired. The applicant would like to use a composite slate product by DaVinci. This is a resin product that is molded to look like actual slate tiles. The tiles are installed individually which is similar to a slate installation. The manufacturer warrantees the product for fifty years.

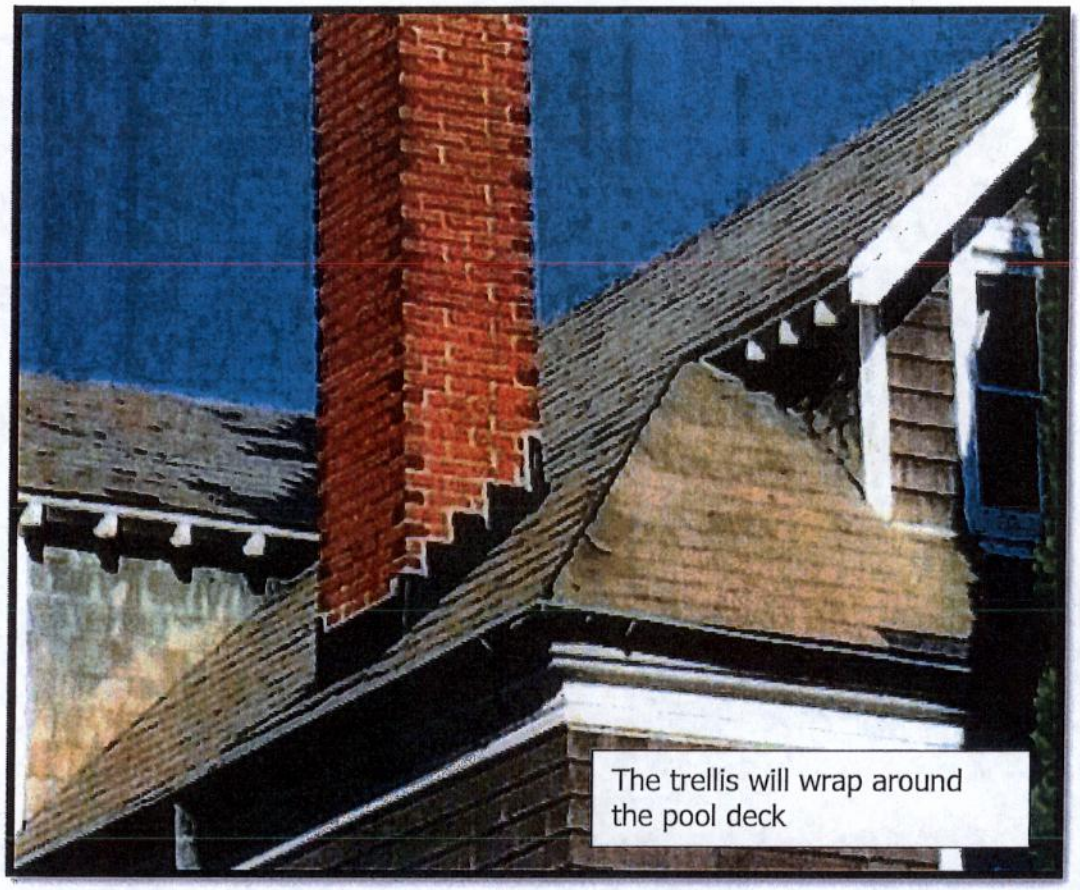
VI. Norfolk Design Guidelines:

2:2 Roofs

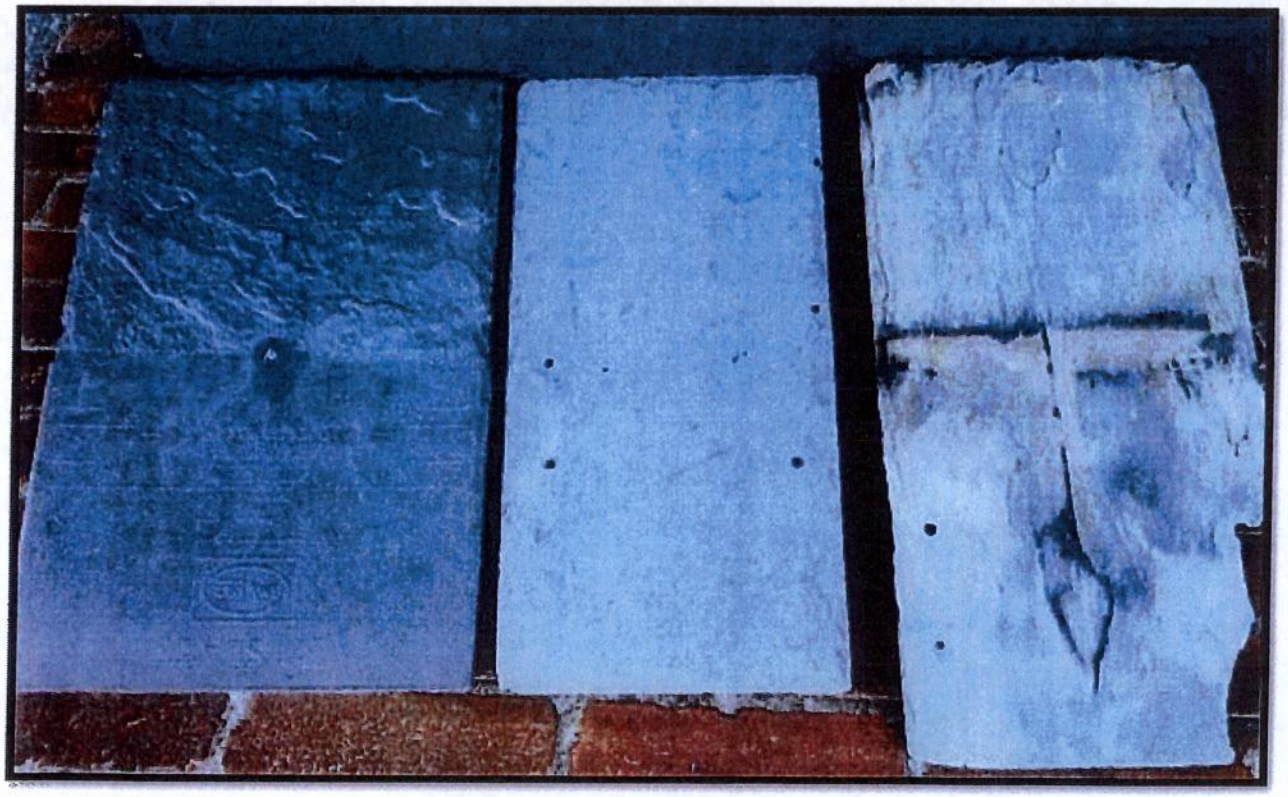
1. Preserve and retain the roof shape, slope, and overhang as well as features such as dormer, cupolas, chimneys, parapet ornamentation, window's walks, cornices, rafter tails, barge boards, weathervanes, and cresting.
2. Retain roofing materials that are historic and contribute to the character of the building. Repair should be considered before wholesale replacement.
3. When demonstrated that it is necessary to replace original roofing materials, matching materials are appropriate.
4. Replacement of original roofing materials with different roofing materials is strongly discouraged. The replacement should include detailed documentation as to condition and attempts to maintain the existing roof materials. If approved, it should replicate the original materials in color, shape size, and pattern.

V. Recommendation: Staff recommends denial for a Certificate of Appropriateness for the slate roof replacement with composite slate, because it does not meet the *City of Norfolk Historic District Design Guidelines* for *Roofs:* (3) Replacement of original roofing materials with different roofing materials is strongly discouraged. The replacement should include detailed documentation as to condition and attempts to maintain the existing roof materials. If approved, it should replicate the original materials in color, shape size, and pattern.

534 Pembroke Avenue



The trellis will wrap around the pool deck



Left is proposed composite slate/Middle & Right are existing slate tiles

pedestrian areas in the city. She asked to see a brick option for the Historic Districts and a different treatment for other areas of the city such as Wards Corner. Mr. Gould suggested that they look at this from the standpoint of the entire city and what materials should be used citywide. Mr. Newcomb stated that the Board can adopt a design criteria as part of the Downtown Design Guidelines and state what their preferences are and then that should be shared with the City Manager's office and with Public Works. He suggested that the focus should stay first on downtown and then later can be expanded to other areas of the city.

Ms. Andrews made a motion in support of the information presented to date on working towards the selection of a brick paving standard for the Downtown Historic District. She added that the alternative to brick paving is painted stripes. Mr. Gould seconded the motion. The Board voted aye.

IV. Consent Agenda

a. 313 W. Freemason Street – Replace wood railings with metal at rear steps

After a review of drawings, photographs and detailed specifications, the Board approved the application as a consent agenda item.

V. Certificate of Appropriateness

Ghent Historic District

a. 534 Pembroke Avenue – Replace slate roof with composite slate

Photographs and drawings were presented for review. Ms. McBride briefly reviewed the application. The applicant would like to replace the original slate roof with a composite slate material. The product is molded to look like actual slate tiles.

Mr. Ottinger appeared before the Board. He presented a piece of the existing slate and a material sample for the composite slate material. The product has a 50 year warranty and expected life span significantly greater than 50 years. He also presented additional photographs. He stated that the roof was in disrepair in 2012 when they moved in. The previous owners spent approximately $17,000 in 2009 on refurbishment of the flashing and the valleys and the repair of a handful of slates. Unfortunately, that was not a long term solution. They presently have three significant leaks in the roof which they have tried to have repaired but were not successful.

The Board suggested that Mr. Ottinger find out if the composite material can be cut to match the 10 inch width of the existing slate. Ms. Pollard noted that under the Secretary of the Interior standards, the Virginia Department of Historic Resources will entertain using synthetic slate in situations where the slate is legitimately beyond repair and will match the profile, color and size of the existing slate. She added that Mr. Ottinger had provided appropriate documentation showing that the existing slate is beyond repair. She noted that should the 10 inch width be unavailable, the Board will have to work outside of the Guidelines which means they need to narrow the precedent for future applications.

Ms. Andrews made a motion to approve the composite material as presented provided that it is available in a dimension matching the existing slate (Guideline 2.2 No. 4). Mr. Klemt seconded the motion. The Board voted aye.

b. 726 Graydon Avenue – Privacy fence & shrubs (after-the-fact)

Drawings, photographs and a survey were presented for review. Ms. McBride briefly reviewed the application. A fence was installed without a COA and it is visible from the public right-of-way. The survey provided indicated where a 4-foot wooden privacy fence was located on the property. However, when the fence company went to install the new fence, there was no existing fence. An evergreen shrubbery has been planted in an attempt to shield the new fence from the right-of-way. The new fence is a number one red cedar 6-foot dog-eared paneled fence. The Ghent Neighborhood League approved the application.

Mr. Estes appeared before the Board. He stated that the fence will be left in its natural state and will eventually turn a silver gray color.

Ms. Andrews made a motion to approve the application as presented. Mr. Hoffler seconded the motion. The Board voted aye.

VI. **Design Review**

Private Projects

a. 2800 Church Street – Build ten townhomes Continued from 10/20/2014

Drawings and photographs were presented for review. The applicant returned with two new options for the entrance and stair. Ms. McBride briefly reviewed Options 1 and 2, noting that the applicant's preference would be Option 2.

Exhibit D

City of NORFOLK

To: Norfolk Design Review Committee
City of Norfolk, Virginia

August 24, 2015

From: Susan M. McBride, Principal Planner

Subject: Amend a previously approved Certificate of Appropriateness to change the width of the composite slate

Ward/Superward: 2/6

Approved:

Leonard M. Newcomb, III
Assistant Director, Planning

Certificate of Appropriateness Staff Report

I. **Property Address**: 534 Pembroke Avenue

II. **Applicant Information:** #15-60
Owner: Mr. & Mrs. Ottinger
Applicant: Mr. & Mrs. Ottinger

III. **Historic District Information:**
Historic District: Ghent Historic District (HC-G1)
Date of Structure: 1908
Period of Significance: Late 19th to Early 20th Century
Contribution/noncontributing: Contributing
Architectural style of building: Shingle Style
Significant elements of building: This single-family, two-and a-half story, home with a pressed brick façade in a stretcher bond pattern on the first floor and shingle sheathing on the second and attic floors. The roof is hipped with a central gable dormer. There is a secondary porch across the front of the wing of the house towards the street that has a flat roof that is supported with paired smooth-shaft columns and turned balustrades. There is a two-story wing to the northeast.

IV. **Building Application:** The applicant would like a COA to install nine inch composite slate on his roof instead of ten inch.

V. **Project Description:** At the November 10, 2014 meeting the ARB ruled in favor of replacing the original Vermont Green Slate roof with a composite material that matches the style, color and width (ten inches) of the existing slate roof. The COA was not executed because the applicant was to let staff know if they could meet the condition of the width. Per a November 17, 2014 email the applicant would be able to custom order the ten inch size "at a significant additional cost." The applicant did request to be on the December 2014 meeting to ask the ARB to allow for the use of a different size but, withdrew their application prior to the meeting.

The applicant began installing his new roof in a nine inch width composite slate. The applicant would like to receive a COA to use the DaVinci composite slate product in their nine inch standard width on the roof.

VI. **Norfolk Design Guidelines:**

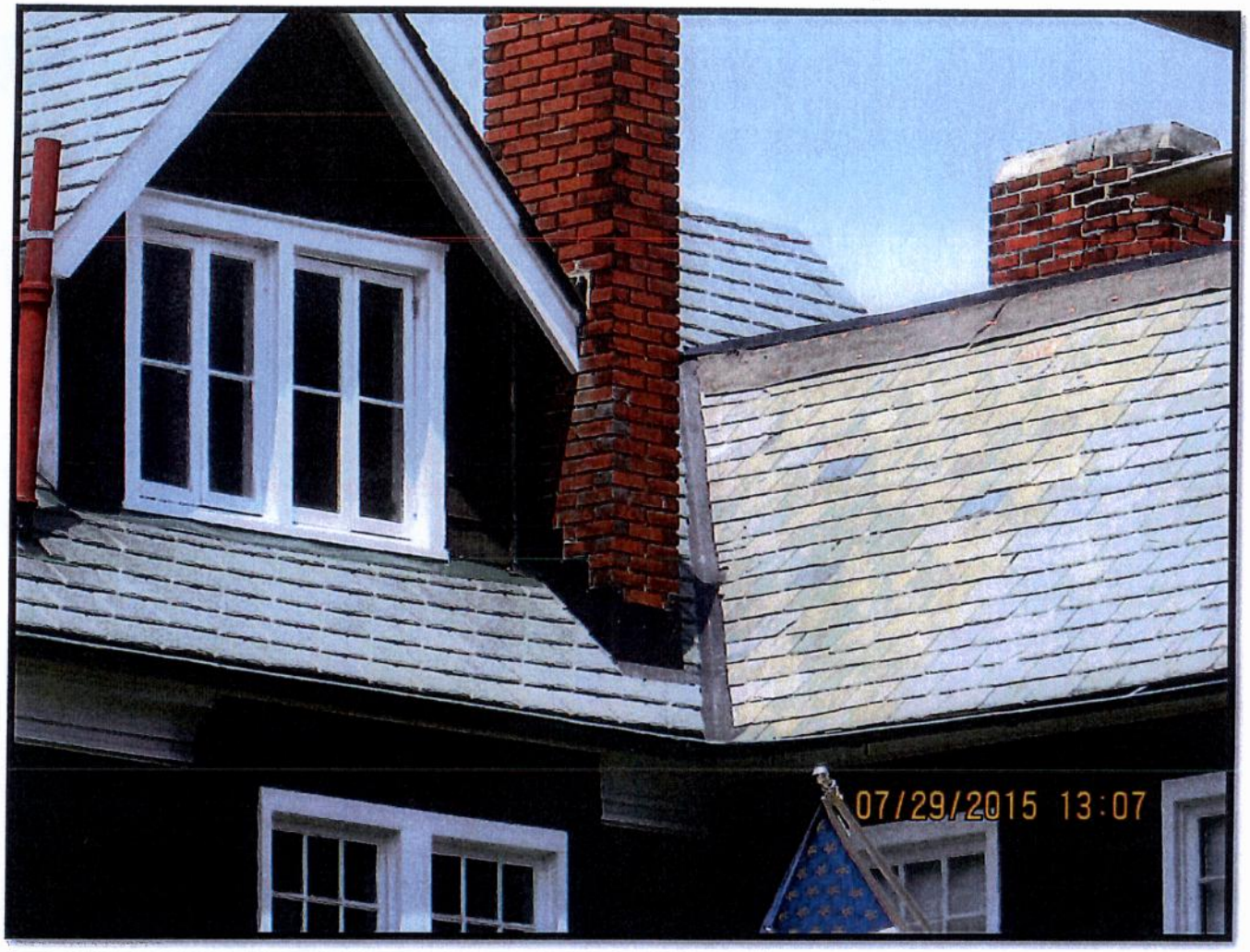
2:2 Roofs

1. Preserve and retain the roof shape, slope, and overhang as well as features such as dormer, cupolas, chimneys, parapet ornamentation, window's walks, cornices, rafter tails, barge boards, weathervanes, and cresting.
2. Retain roofing materials that are historic and contribute to the character of the building. Repair should be considered before wholesale replacement.
3. When demonstrated that it is necessary to replace original roofing materials, matching materials are appropriate.
4. Replacement of original roofing materials with different roofing materials is strongly discouraged. The replacement should include detailed documentation as to condition and attempts to maintain the existing roof materials. If approved, it should replicate the original materials in color, shape size, and pattern.

V. **Recommendation:** Staff recommends denial for a Certificate of Appropriateness for the slate roof replacement with composite slate, because it does not meet the *City of Norfolk Historic District Design Guidelines* for *Roofs:* (3) Replacement of original roofing materials with different roofing materials is strongly discouraged. The replacement should include detailed documentation as to condition and attempts to maintain the existing roof materials. If approved, it should replicate the original materials in color, shape size, and pattern.

534 Pembroke Avenue-prior to roof changes

Most of the roof has been replaced with the DaVinci composite slate-note the difference in the installation of the composite material in the areas of the ridges. The valley of the original roof has oxidized to a brown patina and the installer used a green flashings



Left of the valley has been replaced to the right it has not

AUGUST 24, 2015
ARB MEETING MINUTES

Exhibit E

IV. Continued Applications (None)

V. Certificate of Appropriateness

Ghent Historic District

a. 534 Pembroke Avenue – Approval for 9-inch-wide composite roofing slate instead of 10 inch

Drawings and photographs were presented for review. Ms. McBride briefly reviewed the application and its history. She noted that the original application was before the Board in November 2014. At that time the Board approved the use of a composite slate to match the existing slate in style, color, installation and at a 10-inch width. A Certificate of Appropriateness was never issued because Mr. Ottinger indicated he wanted to return to the manufacturer and attempt to get a composite slate in a standard size. Mr. Ottinger withdrew his application from the December 2014 agenda. He next planned to present an application to the Board in the spring of 2015 but did not. Work was begun on the roof without a Certificate of Appropriateness in July 2015 using what was thought to have been a 9-inch-wide composite slate that had not been approved by the Board.

Mr. Ottinger appeared before the Board. He presented additional photographs and material samples. He noted a correction to the application: The request was to use 12-inch-wide composite slate, which was what was actually installed, not the 9 inch. He added that the 12 inch is the manufacturer's standard size (DaVinci). He explained that after the November 2014 meeting he went back to the manufacturer for a 10 inch and he also did research online. He discovered that the 10 inch could be produced but at a significant increase in price; therefore, he chose to use the standard 12 inch. In addition, when they began repairs and removed the old slate, the old slate disintegrated, and there was a significant leakage problem that he felt needed to be addressed immediately. Mr. Ottinger stated that another addition to the application was to replace the copper gutters and downspouts. The house currently has 4-inch half-round copper gutters and round downspouts and if their budget permits they would like to replace them in kind.

The Board members expressed a number of concerns and especially that the process was ignored by the applicant. They felt that after following the Guidelines Flow Chart and considering special circumstances that a significant concession had been given to Mr. Ottinger by allowing the use of the 10-inch composite slate. Another major concern was that this could set a precedent for future applicants with similar requests to use synthetic materials. The Board discussed different options to

resolve the issues with this application. Possible options included: the removal of the 12-inch synthetic slate and requiring that the 10-inch be installed; continue replacing the slate with the 12-inch synthetic to match what has been installed; use the 10-inch synthetic slate to finish the balance of the roof; remove what has been installed and require the Vermont green slate. The Board also expressed concern about the actual detailing of the roof and if the same can be done with synthetic slate that can be done with real slate in terms of the ridge cap and hip cap.

Mr. Conde and Ms. Reynes, on behalf of the Ghent Neighborhood League, appeared before the Board. They expressed support for the Guidelines. Mr. Conde stressed that the Guidelines took a number of years to complete and were done so that residents would have a clear understanding of the process and what materials could be used. He also expressed concern for the residents who had done the same as Mr. Ottinger but were told they had to remove unapproved materials. He added that what the Board determines for this application could have consequences in the Historic District going forward. Ms. Pollard suggested that Mr. Ottinger go before the full Ghent Neighborhood League.

Mr. Thomas made a motion to continue the application subject to: the applicant will return with a written, detailed plan to include the treatment of the ridge cap, hip cap, et cetera, and that said plan will be submitted ahead of time to Planning staff so it can be provided to Board Members. Ms. Gustavson seconded the motion. Mr. Thomas, Mr. Lyall, Mr. Glenn and Mr. Rutledge voted aye. Ms. Pollard, Ms. Gustavson and Mr. Klemt dissented.

Downtown Historic Overlay

b. 131 Granby Street – amend a previously approved COA for a façade renovation

Drawings and photographs were presented for review. Ms. McBride briefly reviewed the application. She noted that modifications were made in response to tax credit issues. She presented the original drawings as well as the revised drawings showing the modifications.

Mr. Schnesker appeared before the Board and presented an additional minor modification to the column base and he distributed new drawings. He stated that the Department of Historic Resources felt that the column bases were a little too extruded and seemed as if they came straight out of the ground. They asked that another base and character line be added. In addition, a step has also been added. He also noted an area of existing banding that they plan to use as opposed to adding a new band.

THE CITY OF NORFOLK
CITY PLANNING

Exhibit F

To: Architectural Review Board
City of Norfolk, Virginia

December 7, 2015

From: Susan M. McBride, Principal Planner

Subject: Amend a previously approved Certificate of Appropriateness to change the width of the composite slate

Ward/Superward: 2/6

Approved: Leonard M. Newcomb

Leonard M. Newcomb, III
Assistant Director, Planning

Certificate of Appropriateness Staff Report

I. **Property Address**: 534 Pembroke Avenue

II. **Applicant Information:** #15-60C
Owner: Mr. & Mrs. Ottinger
Applicant: Mr. & Mrs. Ottinger

III. **Historic District Information:**
Historic District: Ghent Historic District (HC-G1)
Date of Structure: 1908
Period of Significance: Late 19th to Early 20th Century
Contribution/noncontributing: Contributing
Architectural style of building: Shingle Style
Significant elements of building: This single-family, two-and a-half story, home with a pressed brick façade in a stretcher bond pattern on the first floor and shingle sheathing on the second and attic floors. The roof is hipped with a central gable dormer. There is a secondary porch across the front of the wing of the house towards the street that has a flat roof that is supported with paired smooth-shaft columns and turned balustrades. There is a two-story wing to the northeast.

IV. **Building Application:** The applicant would like a COA to install nine inch composite slate on his roof instead of ten inch.

V. **Project Description:** This application was continued from the August 24, 2015 ARB meeting so that the applicant could investigate if the installation of the composite slate, that was installed without a COA, could be modified to look more like a slate installation at the hips,

ridges, and valleys. The applicant has a response from the installer, where these existing areas can be reworked using copper flashing.

At the November 10, 2014 meeting the ARB ruled in favor of replacing the original Vermont Green Slate roof with a composite material that matches the style, color and width (ten inches) of the existing slate roof. The COA was not executed because the applicant was to let staff know if they could meet the condition of the width. Per a November 17, 2014 email the applicant would be able to custom order the ten inch size "at a significant additional cost." The applicant did request to be on the December 2014 meeting to ask the ARB to allow for the use of a different size but, withdrew their application prior to the meeting.

The applicant began installing his new roof in a nine inch width composite slate. The applicant would like to receive a COA to use the DaVinci composite slate product in their nine inch standard width on the roof.

VI. Norfolk Design Guidelines:

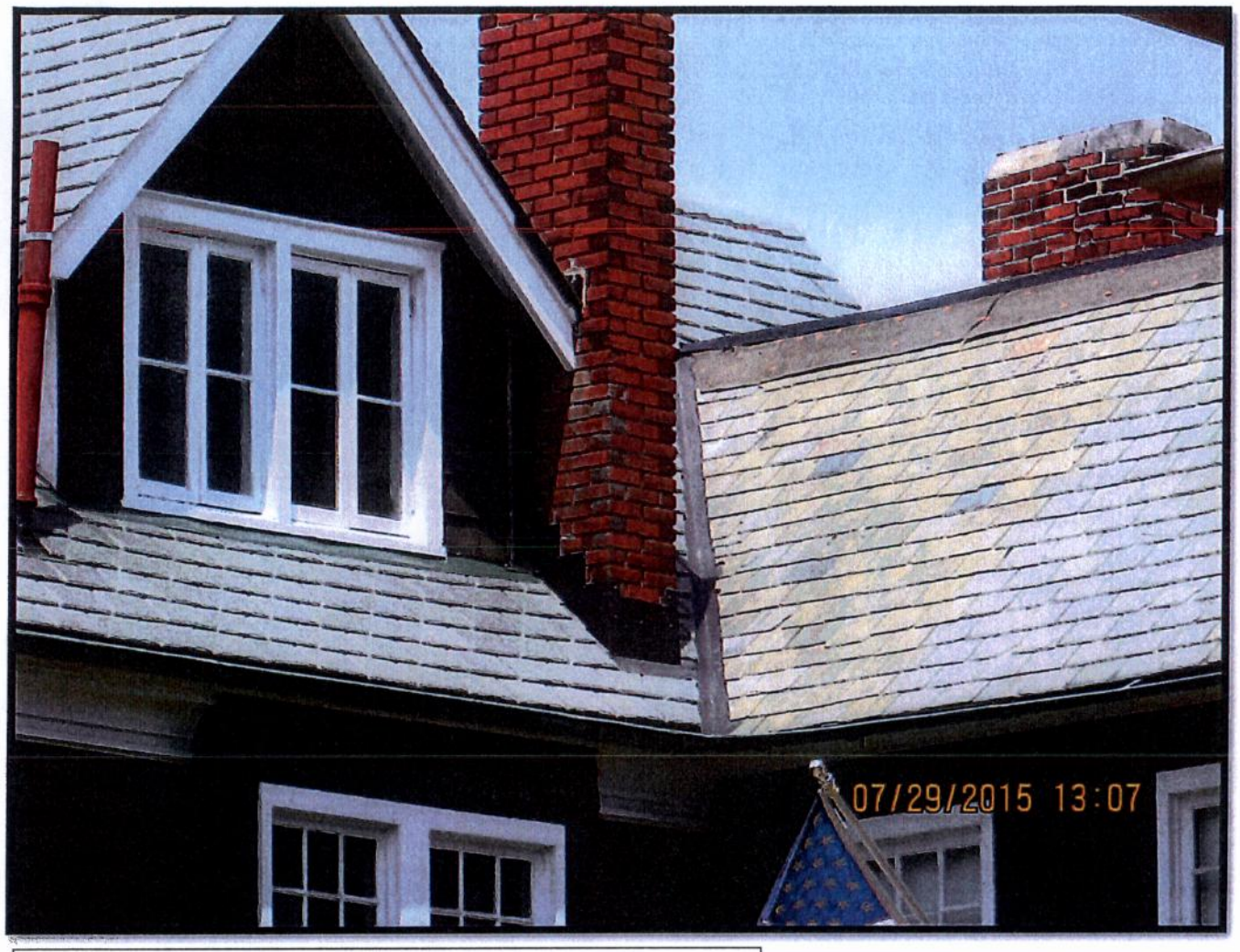
2:2 Roofs

1. Preserve and retain the roof shape, slope, and overhang as well as features such as dormer, cupolas, chimneys, parapet ornamentation, window's walks, cornices, rafter tails, barge boards, weathervanes, and cresting.
2. Retain roofing materials that are historic and contribute to the character of the building. Repair should be considered before wholesale replacement.
3. When demonstrated that it is necessary to replace original roofing materials, matching materials are appropriate.
4. Replacement of original roofing materials with different roofing materials is strongly discouraged. The replacement should include detailed documentation as to condition and attempts to maintain the existing roof materials. If approved, it should replicate the original materials in color, shape size, and pattern.

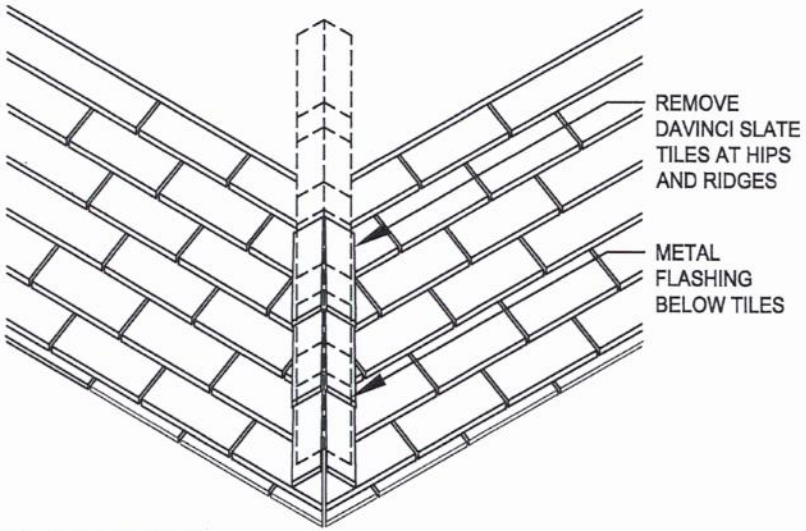
V. Recommendation: Staff recommends denial for a Certificate of Appropriateness for the slate roof replacement with composite slate, because it does not meet the *City of Norfolk Historic District Design Guidelines* for *Roofs:* (3) Replacement of original roofing materials with different roofing materials is strongly discouraged. The replacement should include detailed documentation as to condition and attempts to maintain the existing roof materials. If approved, it should replicate the original materials in color, shape size, and pattern.

534 Pembroke Avenue-prior to roof changes

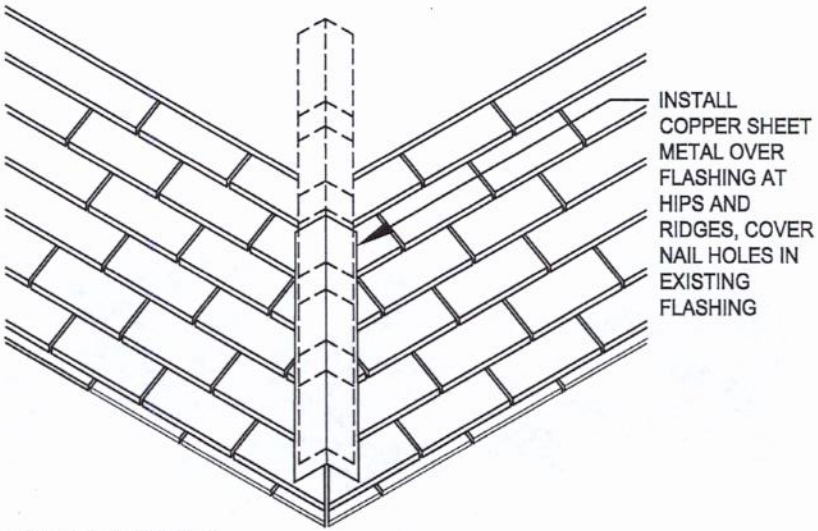
Most of the roof has been replaced with the DaVinci composite slate-note the difference in the installation of the composite material in the areas of the ridges. The valley of the original roof has oxidized to a brown patina and the installer used a green flashings



Left of the valley has been replaced to the right it has not



STEP 1: DEMOLITION



STEP 2: INSTALLATION

HIP/ RIDGE CAP DETAIL
OTTINGER RESIDENCE
534 PEMBROKE AVE.
NORFOLK, VA 23507

530
07/29/2015 13:07

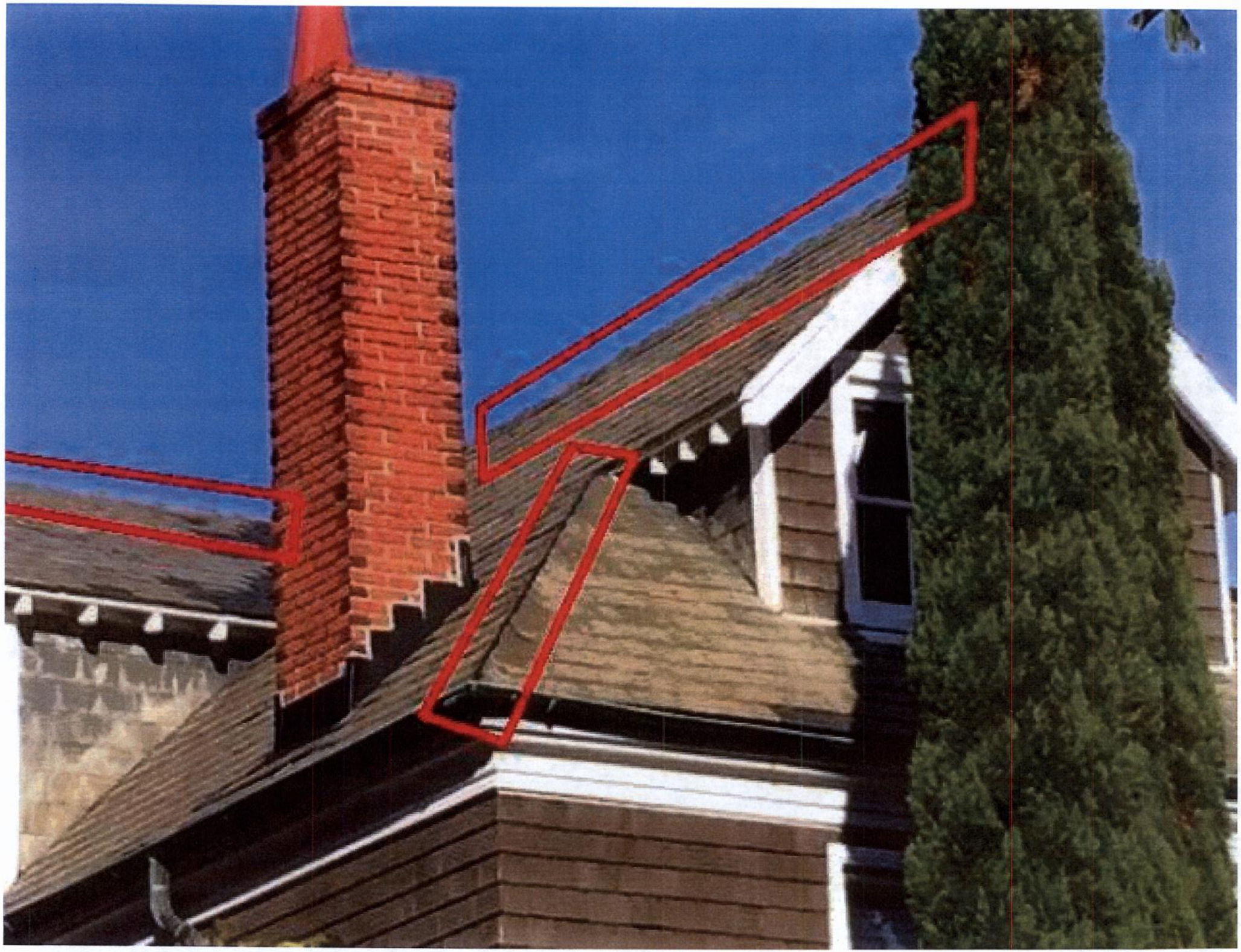


Exhibit G

THE MINUTES OF THE NORFOLK ARCHITECTURAL REVIEW BOARD DECEMBER 7, 2015

On December 7, 2015 at 4:00 p.m., a meeting of the Norfolk Architectural Review Board was held in the 10th Floor Conference Room, City Hall Building. Those in attendance were:

MEMBERS PRESENT:

Ms. Gustavson (Acting Chairman), Mr. Thomas, Mr. Rutledge, Ms. Pollard, Mr. Glenn, Mr. Klemt

MEMBERS ABSENT:

Mr. Lyall, Mr. Gould, Mr. Hoffler

STAFF:

Mr. Newcomb, Ms. McBride

I. Call to Order

Ms. Gustavson called the meeting to order.

II. Roll call

Mr. Newcomb called the roll. (Quorum present)

III. Consent Agenda

a. Meeting minutes – November 9, 2015

The Board voted to approve the minutes as presented.

b. 131 Granby Street – Benny Domato's – Business signage

After a review of drawings, photographs and detailed specifications, the Board

approved the consent agenda item as presented. Ms. Pollard abstained.

IV. Continued Applications

Ghent

a. 534 Pembroke Avenue – Replace slate roof

Drawings and photographs were presented. Ms. McBride reviewed the history of the application as follows:

The original application was before the Board November 2014. At that time the Board determined that the Vermont green slate was beyond repair and not as durable as other slates; therefore, they could consider the use of synthetic materials. They approved the use of a composite slate to match the existing slate in style, color, installation and at a 10-inch width. However, a Certificate of Appropriateness was never issued because Mr. Ottinger withdrew his application from the December 2014 agenda and indicated that he wanted time to consult with the manufacturer about getting a composite slate in a standard size.

Mr. Ottinger next planned to present an application to the Board in the spring of 2015 but did not.

In July 2015, work was begun on the roof without a Certificate of Appropriateness using what was thought to have been a 9-inch-width composite slate that had not been approved by the Board.

Mr. Ottinger next appeared before the Board in August 2015. He relayed that a 12-inch-width composite slate had been installed, which was the manufacturer's standard size, and not the 9-inch-width. He stated that the manufacturer could produce a 10-inch-width composite slate but at a significant increase in price; therefore, he chose to use the standard 12-inch-width. At that time the Board expressed that a significant concession had been made to allow the use of the 10-inch-width composite slate. The Board added that they were disappointed that Mr. Ottinger ignored the process and installed the 12-inch-width composite slate without a Certificate of Appropriateness. The Board voiced concerns about setting a precedent for future applicants with similar requests to use synthetic materials. After discussing several options to resolve the issue, the Board continued the application. They asked Mr. Ottinger to provide a written, detailed plan and to include the treatment of the ridge cap, hip cap, et cetera, and that said plan must be submitted ahead of time to staff so it can be provided to Board members. Mr. Conde and

Ms. Reynes expressed support for following the process and the Historic Guidelines.

At today's meeting, Mr. Ottinger presented additional documentation and material samples. Ms. Pollard expressed concern that the drawings were still incomplete because they did not show any information about the valleys. Mr. Ottinger stated that information about the valleys had not been excluded intentionally and he would provide any documentation required. He added that he plans to install copper gutters and downspouts. He cited houses at 531 Warren Crescent (new construction) and 212 Colonial Avenue that have synthetic slate. He asked the Board to consider approving the Certificate of Appropriateness.

Ms. Reynes and Ms. McEnery appeared on behalf of the Ghent Neighborhood League. Ms. Reynes stated that the Ghent Neighborhood League's position had not changed since the August 2015 meeting. They are in support of applicants following the process and the Historic Guidelines. Ms. McEnery added that if the Board approved this application it would be a step backwards from what they are trying to accomplish with the Historic Guidelines and would also set a precedent. Mr. Ottinger responded that the Board had approved the composite product but just a different size. He noted that it is 60 feet from the sidewalk to the first place you can actually see that portion of the roof.

Mr. Rutledge made a motion to deny the application for failure to comply with Design Guideline 2-2, Roofs. Mr. Klemt seconded the motion. The Board voted aye.

b. 617 Boissevain Avenue – New construction 3,000 square-foot home

Drawings and photographs were presented, and Ms. McBride reviewed the application which was first presented to the Board on November 9, 2015. The application was continued at that time and the applicant was asked to address the following issues: competing design styles; provide details showing how this home lines up with the homes to either side; consider some type of overhang for the rear patio door; and to consult with the city's arborist regarding the existing tree and proposed driveway extension.

Mr. Yarow appeared before the Board and reviewed design and material changes. An overhang was added over the rear door. A brick planting area was added and a landscaping plan was submitted. The city's arborist reviewed the driveway plans and asked that the tree be protected during construction. A detached shed is proposed for the backyard.

Exhibit H

THE CITY OF NORFOLK
CITY PLANNING

Denial

December 7, 2015

Mr. Richard Ottinger
534 Pembroke Avenue
Norfolk, Virginia 23507-2115

Re: 534 Pembroke Avenue—Ghent Historic District—#15-60C

Dear Mr. Ottinger:

On November 10, 2014 the ARB approved your request to replace your original slate with a slate composite on your residence at the above noted address. This approval was based on the deteriorated condition of the existing ten inch wide slate. The Board had specific conditions for allowing the use of the composite slate material and you were requested to seek a product that matched the width of the existing slate.

On December 7, 2015 the Architectural Review board reviewed your request for a Certificate of Appropriateness (COA) to increase the width of the composite slate that was partially installed on your roof without finalizing your COA process.

The ARB denied your request for a Certificate of Appropriateness for this request because this request does not meet the *City of Norfolk Historic District Design Guidelines* for *Roofs:* (3) Replacement of original roofing materials with different roofing materials is strongly discouraged. The replacement should include detailed documentation as to condition and attempts to maintain the existing roof materials. If approved, it should replicate the original materials in color, shape size, and pattern.

You have the right to appeal this action to the Council of the City of Norfolk. The appeal must be submitted in writing stating the basis for the appeal to the City Clerk's Office within fourteen (14) days of the date of the Architectural Review Board decision. Should you have further questions about the appeal process, contact Susan M. McBride, Principal Planner at 757/823-1451.

Sincerely,

Leonard M. Newcomb, III
Assistant Director, Planning

City Hall Building, Room 508 / 810 Union St, Norfolk, Virginia 23510
Ph. (757) 664-4752 / Fax (757) 441-1569

Exhibit I

RICHARD AND LISA OTTINGER
534 PEMBROKE AVE.
NORFOLK, VA 23507
(757) 451-7141

DECEMBER 18, 2015

VIA HAND DELIVERY
Breck Daughtrey, City Clerk
810 Union Street
Suite 1006
Norfolk, VA 23510

Re: ARB Appeal

Dear Mr. Daughtrey:

I am writing to appeal the decision of the Architectural Review Board's ("ARB") denial on December 7, 2015 of our request for a Certificate of Appropriateness ("COA") to increase the allowable width of a synthetic slate material to replace the slate roof on our home.

My wife Lisa, I and our two children live at 534 Pembroke Ave., which is in the Ghent section of Norfolk. The 3-story home was built in 1908 with a Vermont Green slate roof. After we moved in in 2012, we noticed signs of several roof leaks. We explored a number of options for repair and replacement. Although roughly 70% of the historic houses in the neighborhood have had their original roofs replaced with asphalt shingles, we looked at both real slate and several synthetic slate products as opposed to the less expensive asphalt shingle options. Following the construction of a new home around the corner on which a synthetic slate was used, we decided to seek ARB approval for a COA to install the same product on our house, albeit in a different size and color, which would more closely match what we were considering replacing.

On November 10, 2014, we received approval to install the synthetic slate in a 10" width. We had sought approval for the company's standard 12" width, but the ARB wanted cost information for the non-standard size.

In the weeks following that November 2014 hearing, I began my campaign for Virginia Senate and my time was wholly consumed and my attention to the roof issue waned. At that point, we decided to simply make limited repairs as necessary. In the early summer of 2015, several leaks became noticeably worse. At that point, I contacted the roofing contractor who had installed our neighbor's roof, and asked them to make repairs to the areas where the leaks were located. Due to my miscommunication with the contractor and my failure to pay close attention to the work, the contractor installed the

larger synthetic slates. Additionally, when performing the repairs, the contractor found that the condition of the original slate was such that greater areas than expected needed repair.

In response to a query from Ms. McBride, I confirmed that the larger slates had been installed. I then filed an application for approval of a COA that would permit the installation of the larger slates. At the initial hearing on that COA, the Chairman and other board members suggested that an offer of concessions of the installation of copper detailing might be helpful to the process. The matter was continued so that I could obtain architectural drawings and confirm that the detailing could be added. I submitted that additional information to planning and returned for hearing on December 7 at which time the members of the ARB who were present, denied my application. The denial would require the removal of the 12" synthetic slates and installation of 10" synthetic slates.

While the synthetic slates used by the contractor are 2" wider than the original approval, I believe that the look is clearly superior to the original slate in its current condition. More importantly, if the 12" synthetic slates are removed and replaced with 10" synthetic slates, virtually no difference could be detected from the closest point on a right of way, which is approximately 60' from the roof. The cost to replace the 12" slates with 10" would be approximately $35,000. I strongly believe those funds would be better spent on the copper detailing, which we are still willing to add, and other repairs to the home.

We respectfully request that City Council grant the application for a COA for use of the12" synthetic slates with the offered concessions.

Regards,

Richard H. Ottinger